

REMARKS

Claims 1-22 are pending in this application. Claims 1-5 have been withdrawn. Claims 8, 9, 14, and 20 were cancelled in the previously amendment. Claims 6, 7, 10-13, 15-19, and 21 have been rejected. Claim 10 and 16 are amended. Claim 22 is new. In view of the foregoing amendments and following remarks, the Applicants request allowance of the application.

Claim Rejections under 35 U.S.C. §112

Claim 10 is rejected under 35 U.S.C. 112, second paragraph. Applicants have amended claim 10 to comply with the Office Action. Withdrawal of the rejection of claim 10 is requested.

SAPR3 (www.sap.com, June 2003) is not prior art under 35 U.S.C. §103 or 35 U.S.C. §102

Applicants re-submit the attached appendix as an affidavit under 37 C.F. R. § 1.131. Applicants submitted the attached affidavit on September 9, 2008, but the Office did not enter the affidavit. The Office stated that good and sufficient cause was not provided. The Applicants need only submit the affidavit with an RCE for the affidavit to be entered. Applicants request that the attached affidavit be entered and considered.

The Office's prior consideration of the inventors' declaration has been too limiting, focusing solely on the evidentiary materials provided to corroborate the inventors' declarations and ignoring the declarations themselves. The inventors expressly stated that they developed a working prototype of the subject matter of the pending claims by at least January 16, 2003. Further, the inventors expressly stated that the prototype included the functionality of the pending claims. See, ¶ 3 of the Inventors' Declaration.

The declaration exhibits provide corroboration for the inventors' declaration. The inventors submitted five exhibits which demonstrate the functionality of this prototype. The documents generated in November 2002 (exhibits A-C) include design materials that identify features that were desired to be included. The documents from January 2003 (exhibits D-E) confirm that these features actually were included in the prototype.

As the Office noted, an inventors' affidavit must demonstrate that the invention actually existed and worked for its intended purpose. M.P.E.P. 715.07(III). The present declaration meets this requirement. As noted, the inventors expressly stated that they developed a **working** prototype of the subject matter of the claims. Inventors' Declaration, ¶ 3. As

corroboration, the inventors provided a January 16, 2003 e-mail from Dr. Schaub to his colleagues, stating "I have finished implementation of the new *AVC checks on revenues* for FM in ALN." Inventors' Declaration, Ex. D. Clearly, this refers to a working prototype.

Although corroboration is required, an accompanying exhibit need not support all claimed limitations, provided that any missing limitation is supported by the declaration itself. MPEP 715.07. Table 1 demonstrates an element for element correspondence between the features of the pending claims and the features described in the inventors' development materials.

INDEPENDENT CLAIM LANGUAGE	DISCLOSURE IN DESIGN AND IMPLEMENTATION DOCUMENTS
<p>6. An enterprise management system, comprising:</p> <p>a transaction manager to receive new revenue transactions posted by an organization,</p> <p>an Availability Control (AVC) manager, responsive to a new revenue transaction to execute an AVC rule represented by a control object,</p> <p>the AVC rule causing a comparison of previously-posted revenue of the organization and revenue of the new transaction with a limit to how much revenue may be posted for the control object and</p> <p>if the comparison fails a relationship defined by the AVC rule, causing the transaction manager to reject the new revenue transaction.</p>	<p>The "Implementation of Availability Control on Revenue" is for release EA-PS 2.0 which is a enterprise management system. See Exhibit E, page 1.</p> <p>"For controlling revenue." Exhibit E, page 1, under "Principle."</p> <p>"Enhancement of the AVC check logic: ... ceiling types that ... are available for each control ledger ... " with 'ceiling for revenues". Exhibit A page 7.</p> <p>"Some administration is authorized to accept revenues until a certain upper limit ... if this limit is exceeded for revenues." Exhibit A, page 5.</p> <p>"Some administration is authorized to accept revenues until a certain upper limit ... (then) AVC issues an error, if this limit is exceeded for revenues." Exhibit A, page 5.</p>
<p>10. (Currently Amended) An Availability Control (AVC) method, comprising:</p> <p>responsive to a proposed postings of revenue, determining whether a revenue calculation of any control objects addresses the proposed posting,</p> <p>executing AVC rules for each identified control object, the AVC rules testing whether the proposed postings of revenue would exceed revenue limits for the control object, and</p> <p>if any AVC rule is violated by the posting and if the AVC rule identifies an error as a response thereto, blocking the posting from being admitted.</p>	<p>The "Implementation of Availability Control on Revenue" is for release EA-PS 2.0 which is a enterprise management system. See Exhibit E, page 1.</p> <p>"For controlling revenue." Exhibit E, page 1, under "Principle."</p> <p>"Enhancement of the AVC check logic: ... ceiling types that ... are available for each control ledger ... " with 'ceiling for revenues". Exhibit A page 7.</p> <p>"Some administration is authorized to accept revenues until a certain upper limit ... (then) AVC issues an error, if this limit is exceeded for revenues." Exhibit A, page 5.</p>

INDEPENDENT CLAIM LANGUAGE	DISCLOSURE IN DESIGN AND IMPLEMENTATION DOCUMENTS
<p>16. (Previously Presented) A computer readable medium storing program instructions that, when executed, cause an executing device to:</p> <p>responsive to a proposed postings of revenue, determine whether the revenue calculation for any control objects addresses the proposed posting,</p> <p>execute Availability Control (AVC) rules for each identified control object, the AVC rules testing whether the proposed postings of revenue would exceed revenue limits for the control object, and</p> <p>if any AVC rule is violated by the posting and if the AVC rule identifies an error as a response thereto, block the posting from being admitted.</p>	<p>The "Implementation of Availability Control on Revenue" is for release EA-PS 2.0 which is a enterprise management system. See Exhibit E, page 1.</p> <p>"For controlling revenue." Exhibit E, page 1, under "Principle."</p> <p>"Enhancement of the AVC check logic: ... ceiling types that ... are available for each control ledger ... " with 'ceiling for revenues". Exhibit A page 7.</p> <p>"Some administration is authorized to accept revenues until a certain upper limit ... (then) AVC issues an error, if this limit is exceeded for revenues." Exhibit A, page 5.</p>

Table 1

In the supplemental Advisory Action, the Office asserted that this showing is insufficient because, for example, the supporting exhibits do not disclose blocking a posting as required in claim 10 or rejecting a new revenue transaction as recited in claim 6. As noted above, corroboration evidence need not support all elements as long as any missing element is supported by the declaration itself. Here, the inventors have provided corroborating evidence that demonstrates an error condition occurs in when revenues exceed a limit. The inventors also have declared that the working prototype includes all features recited in the claims. Considered in combination, the inventors' declaration and the supporting exhibits are sufficient to demonstrate that the working prototype included all features of claims 6 and 10.

The attached affidavit demonstrates that the date of conception was at the latest November 28, 2002, and that the date of reduction to practice was at the latest January 16, 2003. Therefore, SAPR3 (www.sap.com, June 2003) (hereinafter "SAPR3") is not prior art under 35 U.S.C. 103(a) or under 35 U.S.C. 102(a), because SAPR3 was published after both the date of conception and the date of reduction to practice.

Claims 6, 7, 10-13, 15-19, and 21

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (U.S. Patent No. 6,058,375) (hereinafter "Park") in view of SAPR3. Claims 10-13, 15-19, and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by SAPR3.

As discussed above SAR3 is not prior art to the Pending Application. Additionally, the Office admits that Park fails to disclose the following bolded elements of claim 6, which recites in part:

a transaction manager to receive new revenue transactions posted by an organization,
an Availability Control (AVC) manager, responsive to a new revenue transaction to execute an AVC rule represented by a control object, **the AVC rule causing a comparison of previously-posted revenue of the organization and revenue of the new transaction with a limit to how much revenue may be posted for the control object** and, if the comparison fails a relationship defined by the AVC rule, causing the transaction manager **to reject the new revenue transaction.**

Office Action p. 4. For at least these reasons Park fails to remedy the deficiencies of SAR3. Withdrawal of the rejection of claim 6 is requested. Since claim 7 depends from claim 6, withdrawal of the rejection of claim 7 is requested. Since claims 10-13, 15-19, and 21 were rejected as being anticipated by SAR3, withdrawal of the rejections of claims 10-13, 15-19, and 21 is requested.

The Examiner is invited to call the undersigned representative to discuss this matter.

CONCLUSION

All outstanding rejections have been overcome. It is respectfully submitted that, in view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4228 to discuss any matter regarding this application.

Respectfully submitted,

Date: November 26, 2008

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